

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA, :
 :
 Plaintiff, :
 :
 v. : Criminal Action No. 99-033-4-JJF
 :
 : Civil Action No. 03-148-JJF
 PARRIS L. WALL, JR., :
 :
 Defendant. :

O R D E R

WHEREAS, Defendant filed a Motion For Permission To Expand C.O.A. (D.I. 283) in which he requests the Court to expand the certificate of appealability that the Court granted to include an issue that was raised in his Section 2255 Motion, which Defendant describes as "[a] Massiah claim, i.e. (custodial interrogation, 'Spy in the Camp,' Sixth Amendment deprivation, as a result of;"

WHEREAS, the Court did not reach the substantive claims asserted by Defendant in his Section 2255 Motion, because the Court concluded that the Section 2255 Motion was untimely;

WHEREAS, the Court therefore concludes that it is inappropriate to expand Defendant's certificate of appealability to include issues not adjudicated by the Court;

NOW THEREFORE, IT IS HEREBY ORDERED this 10 day of June 2005 that Defendant's Motion For Permission To Expand C.O.A. (D.I. 283) is DENIED.


UNITED STATES DISTRICT JUDGE